

MEMO ENDORSED**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK****RECEIVED
SDNY PRO SE OFFICE****2024 JUN 18 AM 11:08****COMMODITY FUTURES TRADING
COMMISSION,****Plaintiff,****v.****EDDY ALEXANDRE and
EMINIFX, INC.,****Defendants.****Case No.: 22-cv-3822****Judge Caproni****USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 07/01/2024**

MOTION TO COMPEL ATTORNEY TO SURRENDER THE CASE FILE NO: 22-cv-3822(VEC)

TO THE HONORABLE JUDGE CAPRONI:

COMES NOW, Eddy Alexandre, (the "Defendant", or "Mr. Alexandre"), pro se, and respectfully moves this Honorable Court to issue an order compelling Attorney Emil Bove to surrender the case file he created in representing Mr. Alexandre in the above entitled civil action. In support, Mr. Alexandre avers:

1. Attorney Emil Bove is currently employed at Blanche Law, PLLC as an attorney, having previously worked at the same capacity at CSG P.C. Mr. Bove resides in the New York area.
2. On February 14, 2024, Mr. Alexandre sent two emails to Mr. Bove requesting that he and or his office forward a complete copy of the case the file in his possession. A letter was also mailed to Mr. Bove, Attorney at Blanche Law, 99 Wall Street, New York, NY 10005. See Exhibit 1 "The Emails", attached hereto a copy of said emails. Mr. Bove responded to these emails by providing a subset limited to the final agreement offer, the draft leading to the final agreement from the CFTC, the primary injunction and a set of emails communications surrounding the final agreement offer. See Ex. 3 "The Court".
4. On March 1, 2024, Mr. Alexandre reached out to Honorable Judge Caproni in this instant action to request an enlargement of time allowing Mr. Bove adequate time to transfer the related case file/s to fulfill his permissive withdrawal requirements. See Ex. 3 "The Court."

5. On April 11 & 25, 2024, Mr. Alexandre mailed to Mr. Bove and his associates at CSG a second letter requesting the entire case file in the above referenced case in Mr. Bove's possession. This letter was mailed by Certified Mail No. 7020 1810 0001 4635 1256 with Return Receipt and confirmed delivered. See Exhibit 2 "The Letters," attached hereto a copy of said letters with Certified Mailing Number. Mr Bove never responded to this letter and the same is true for his associates, inter alia, Mr. Melissa Wernick working as attorney at CSG, P.C. contacted by Certified Mail NO. 7020 1810 0001 4635 0884. Ms. Wernick never responded to the this letter. See Ex. 4 "The Tracking Receipts."

6. On May 16, 2024, Mr. Alexandre mailed a third letter to Mr. Bove and Ms. Wernick requesting the entire case file in the above case in Mr. Bove's possession. This letter was mailed Certified and confirmed delivered. See Exhibit 2, "The Letters" attached hereto a copy of said letter with tracking number. Once again, both Mr. Bove and Ms. Wernick never responded to his letter. Certified Mail NO. 7020 1810 0001 4639 0736 for Mr. Bove and NO. 7020 1810 0001 4639 0743 for Ms. Wernick.

7. The records M. Alexandre seeks are necessary for the preparation of the pleadings and motions in this instant action and are his property, in any event.

8. To this date, inter alia, after four months of attempted efforts to retrieve the case file, Mr. Bove has not surrender the case file to Mr. Alexandre nor has he responded to any of the letters.

9. Mr. Alexandre seeks the active protection of this Court through a Court order directing Attorney Emil Bove to immediately surrender the case file/s to Mr. Alexandre.

10. The Court may order Attorney Emil Bove to surrender Mr. Alexandre's case file. First, Mr. Alexandre is entitled case file because it was created during the time period Mr. Bove represented Mr. Alexandre. Second, both the law and the American Bar Association recognize that Mr. Bove has a duty not to impede Mr. Alexandre's efforts to defend against this instant action or an impending conviction. See ABA Standards ... Defense Functions Standards and Commentary ("the resounding message is that defense attorneys, because of their intimate knowledge of the trial proceedings and their possession of unique information regarding possible post-conviction claims, have an obligation to cooperate with the client's attempt to challenge their convictions"). *United Sates v. Dorman*, 58 M. J. 295 (C.A.A. F. 2003); *Hiatt v. Clark*, Ky, No. 2005-SC-000455-MR (15/06). See also *Maxwell v. Florida*, 479 U.S. 972,

93 L.Ed 2d 418-420, 107 S.Ct. 474 (1986) ("The right to effective assistance fully encompasses the client's right to obtain from trial counsel the work files generated during and pertinent to client's defense.

11. Finally, the exhibits Mr. Alexandre submits with this motion establish that attorney Emil Bove recognizes Mr. Alexandre's right to this case file. Mr. Bove appears to be attempting to stall Mr. Alexandre.

WHEREFORE, premised considered, Mr. Alexandre respectfully urges this Honorable Court to issue an order compelling attorney Emil Bove to surrender the "complete case file" created during the representation of Mr. Alexandre in Case No. 22-cv-3822 (VEC), by placing these material in large envelopes clearly marked "LEGAL-MAIL: Open only in the Presence of inmate" and mailing the large package (large envelope only) to Mr. Eddy Alexandre, Reg. No.: 00712-510 FCC Allenwood-Low P.O. Box 1000 White Deer, PA 17887 via Certified mail, within then (10) days of service of said order.

Respectfully submitted on this 11th day of June 2024

Eddy Alexandre

/s/

Eddy Alexandre, pro se
ex-CEO, founder of EminiFX, Inc.
Reg. No.: 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887
"LEGAL-MAIL: Open only in the
presence of Inmate."

CERTIFICATE OF DECLARATION AND SERVICE

I, Eddy Alexandre, hereby declare under the penalty of perjury, pursuant to 28 U.S.C. section 1746, that the foregoing facts are true and correct.

I, Eddy Alexandre, further declare under the penalty of perjury, pursuant to 28 U.S.C. section 1746, that on June 11, 2022, a true and correct copy of this Motion to Compel Attorney to Surrender

Case file was sent to the Clerk of Court via First class United States Postal Mail with postage thereon fully prepaid with Certified Mail with Return Receipt thereof to the following party:

The Clerk of Court
United States District Court
Southern District of New York
U.S. Courthouse - 500 Pearl Street
New York, NY 1007



Eddy Alexandre, pro se
ex-CEO, founder of EminiFX, Inc.
Reg. No.: 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887

enclosure

Application DENIED. On March 20, 2024, Mr. Bove indicated that he mailed his case files to Mr. Alexandre, and that the packages containing his case files were delivered on March 11, 2024. Letter, Dkt. 280. Accordingly, the Court has already held "that Mr. Bove has adequately satisfied his responsibilities to transfer his case files in this matter." Order, Dkt. 281.

SO ORDERED.



07/01/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Exhibit 1

TRULINCS 00712510 - ALEXANDRE, EDDY

FROM: 00712510
TO: Bove, Emil
SUBJECT: RE: RE: CFTC Case
DATE: 02/14/2024 11:24:52 AM

Hello, Emil.

Thank you for following up on that request.

Yes, you understood me correctly in part.

- 1) I am going pro se, indeed.
- 2) I respect your decision not to continue representation. I can no longer sit back and sign agreements that I know not to be true, and let the receiver destroy my life and my family.
- 3) Yes, I would like to update the CFTC docket to be updated to reflect my pro se status, my address for service and a 10-day extension of this Friday's deadline to file a response to the CFTC's complaint.

Address for service for all parties:

Eddy Alexandre/00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887

I appreciate your understanding and support in this serious matter. Thank you for asking for clarification.

To start the transition, I will need the following for this first submission:

- a) Please mail me a copy of the final agreement as suggested by the CFTC with the latest additions.
- b) I have no knowledge of the civil docket at this time and will need a copy of the docket mailed as well.
- c) The latest filing of the CFTC prompting a response.
- d) A copy of the RFP we filed for discovery and its accompanying motion.
- e) A copy of the CFTC's original complaint.
- f) A copy of the timeline for the CFTC case from inception leading to that quagmire.

- You know better how to transition, but from my understanding,
- g) I would like to have all the pre-trial motions we have filed for the civil case,
 - h) the corresponding responses from the CFTC, and Judge Caproni's opinions/orders.
 - i) I will also appreciate any and all relevant information on file pertinent to this matter.

Let me know how we can achieve that. Because this is a paper-based process moving forward. I don't have ECP and access to online repository. (I only have access to a rudimentary email platform, an electric typewriter, with limited function. This is all I have and that I will use to take a stand.)

Wish me luck.

I appreciate you.
Thank you for your support thus far.

Warm regards,
Eddy A.

TRULINCS 00712510 - ALEXANDRE, EDDY

FROM: 00712510
TO: Bove, Emil
SUBJECT: RE: Communication with CFTC
DATE: 02/15/2024 11:35:30 AM

Hello, Emil.

I did not hear from you about the submission to the Court.
I am getting ready from my little position.
I trust that you will send me the updates on the matter as soon as possible.
I am starting my ten days ahead of time to be able to meet the looming deadline.
I also need the pressing documents that I requested to facilitate my first response to the complaint.

*Before I forget:

within a reasonable time (30 days), I would also want to retrieve from you:

* Any and all communication exchange be either email or mail with the The Court, The CFTC, other interested parties, and the Receiver on this matter.

You know I am not a lawyer, I will need the entire set of communications of your actions on my behalf (not your personal emails) with them so I can get the facts and the timeline of the case as I rebuild defense to crack that case wide open.

Thank you.

Warm regards,
Eddy A.

Exhibit 2

EDDY ALEXANDRE Reg. No.: 00712-510
FCC Allenwood Low
P.O. Box 1000
White Deer, PA 17887

April 10, 2024

Mr. Emil Bove, Esq.
Attorney At Law
Blanche Law, PLLC
99 Wall Street
New York, NY 10005

Re: Case File US v. Eddy Alexandre 22-CR-326(JPC)

Dear Emil:


This letter is in reference to the above styled and numbered cause, where you represented me in the district court proceedings. At this time, I am requesting that you or your office forward me the entire case file in your possession including all discovery material, pretrial motions, responses, and orders. I would like to hear from you as soon as possible.

I am entitled to the case file for several reasons. You or your office no longer represents me and I am proceeding pro se. Hopefully, you will act consistent with the American Bar Association standards and not impede my rights to prepare for my post-conviction reliefs.

Please forward the criminal case file in large envelopes, addressed as done in the past using my address above properly labeled and marked: SPECIAL LEGAL MAIL OPEN IN FRONT OF INMATE.

I look forward to the transmission of the case file.

Sincerely,



Eddy Alexandre, pro se

EDDY ALEXANDRE Reg. No.: 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887

April 10, 2024

Mr. Emil Bove, Esq.
Attorney At Law
Blanche Law, PLLC
99 Wall Street
New York, NY 10005

Re: Case File: CFTC v. Alexandre, et al., No. 22-cv-3822

Dear Emil:

This letter is in reference to the above styled and numbered cause, where you represented me in the district court proceedings. At this time, I am requesting that you or your office forward me the entire case file in your possession including all discovery material, pretrial motions, responses, and orders. I have sent you a previous request since February 14th and to date only 8/9 envelopes made it to my destination. I have a double copy in one of the packages.

You do know how critical court deadline can be, hence even after I reached out to the court to get an enlargement of time, the Judge signaled that she is unwilling to approve any further requests. Furthermore, you did not send me a letter outlining your plan to forward the entire case file to me.

I am entitled to the case file for several reasons. You nor your office no longer represents me and I am proceeding pro se dealing with the stringent court deadlines blindly without the details of the case. As you are aware the court schedule is outside of my control, and all I am asking is for you or your office forward me the entire case file in your possession as described above. Hopefully, you will act consistent with the American Bar Association standards and not impede my rights to mount proper defense and litigate this instant action brought by the CFTC.

Please forward the case file in large envelopes, addressed as you did with the successful delivery of the nine sets covering the negotiations for the final agreement with the CFTC. Always ensure the envelopes are properly labeled and marked : SPECIAL LEGAL MAIL OPEN IN FRONT OF INMATE.

I anxiously await the transmission of the case file.

Sincerely,



Eddy Alexandre, pro se

My Mailing Return Address:

Eddy Alexandre / 00712-510
FCC Allenwood-LSCI
P.O. Box 1000
White Deer, PA 17887

April 24, 2024

Melissa F. Wernick
Chiesa Shahinian & Giantomasi PC
11 Times Square, 34th Floor
New York, NY 10036

Re: Case Files 22-CR-326(JPC) & 22-cv-3822(VEC)

Dear Melissa:

I write in reference to the letter accompanying the motion to withdraw and the need for me to have a complete set of my file from my entire case file to proceed 'pro se'.

I have attempted to get the entire case file from Emil and it appears that his current load and responsibilities are impeding his efforts to transfer the complete case files to me.


This is my first attempt to get the team to take over and assist in getting me the entire case file as referenced in the two attachments. Hence, at this time, I am requesting that you or your office forward me the entire case file in your possession including all discovery material, pre-trial motions, responses, and orders in reference to the above styled and numbered causes where you represented me in the Southern District Court of New York (SDNY) proceedings.

Please forward the Civil and Criminal case files in large envelopes, addressed as follows and properly labeled and marked: SPECIAL LEGAL MAIL OPEN ONLY IN FRONT OF INMATE to allow the oversized mails to be delivered to me.

Eddy Alexandre
Reg. No.: 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887

I look forward to the transmission of the case file.

Sincerely,


Eddy Alexandre, pro se

EDDY ALEXANDRE
PRO SE REPRESENTATION
Reg. No.: 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887

May 16, 2024

Mr. Emil Bove, Esq.
Attorney At Law
Blanche Law, PLLC
99 Wall Street
New York, NY 10005

cc: Ms. Melissa F. Wernick, Esq.
Chiesa Shahinian & Giantomasi, PC
11 Times Square, 34th Floor
New York, NY 10036

Re: Case files 22-cr-326(JPC) & 22-cv-3822(VEC) - SDNY

Dear Emil:

This is my third letter concerning the case file in the above entitled actions. You represented me in the SDNY Court proceedings. I am requesting that you "forward" the entire case files in your possession, including but not limited to: all discovery material, pretrial motions, responses, orders, telephone records/recordings, CD's and video tapes. I am willing to pay the cost of copying and shipping. Enclosed find a courtesy copy of the Bureau of Prisons (BOPs') Legal Material Authorization Form for mailing such materials.

I am entitled to the case file for several reasons previously stated but reinserted herein for context. First, because the case files were created during the period of time you represented me, it is my property. See, e.g. *Hiatt v. Clark*, Ky. No. 2002-SC-000455-MR(6/15/06). Second, both the law and the American Bar Association recognize that you have a duty not to impede my attempt to challenge my conviction and/or sentence, and effectively defend against this active action in the civil court by the CFTC. See. ABA Standards for Criminal Justice, Defense Functions Standards and Commentary ("The resounding message is that Defense attorneys, because of their intimate knowledge of the trial proceedings and their possession of unique information regarding possible post-conviction claims, have an obligation to cooperate with their client's attempt to challenge their convictions." *United States v. Dorman*, 58 M.J. 295 (C.A.A.F. 2003); *Hiatt v. Clark*, supra. See also *Maxwell v. Florida*, 479 U.S. 972, 93 L.Ed.2d 418, 107 S.Ct. 474 (1986) ("The right to effective assistance fully encompasses the client's right to obtain from trial counsel the work files generated during and pertinent to that client's defense. It further entitles the client to utilize the materials contained in these files in any proceedings at which the adequacy of trial counsel's representation may be challenged"); *Spivey v. Zant*, 683 F.2d 881, 885 (5th Cir. 1982) (Habeas corpus petitioner is entitled to former trial attorneys file and the work-product doctrine does not apply to situation in which the

client seeks access to documents or other tangible things created during course of attorney's representation).

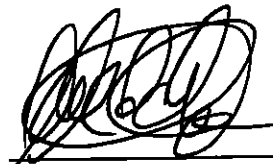
I plan to pursue a habeas corpus petition attacking the constitutionality of the conviction, sentence and your performance. You are currently impeding my right to make a habeas petition by retaining the case file.

In the event that you fail to comply with my request, I will do the following:

- 1) File a complaint with the NY & NJ State Bars for your failure to surrender my case file(s) and conscious efforts to impede my habeas petition, and defending against my active Civil action in the same Court.
- 2) File a motion to compel you to surrender the case file with the sentencing court; and the civil action court; and
- 3) Pursue any other lawful and ethical method to seek my case file.

Hopefully, you will act consistently with your obligations. I look forward to hearing from you (but not more than TEN (10) DAYS from your receipt of this letter). The BOPs FCC Allenwood-Low requires that all legal material be mailed in large envelopes marked special LEGAL MAIL OPEN ONLY IN PRESENCE OF INMATE.

Sincerely,



Eddy Alexandre, pro se
Reg. No.: 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887

Enclosure

CC:

p/file

Certified Mail No.: 7020 1810 0001 4639 0736
7020 1810 0001 4639 0743

Exhibit 3

02/21/2024

EXHIBIT A.3

Case 1:22-cv-03822-VEC Document 257 Filed 02/14/24 Page 1 of 1

MEMO ENDORSED

EMIL BOVE
 Emil.Bove@blanche.law.com
 (212) 716-1250

February 14, 2024

Via ECF
 Honorable Valerie E. Caproni
 United States District Judge
 Southern District of New York
 40 Foley Square
 New York, New York 10007

USDC SDNY
 DOCUMENT
 ELECTRONICALLY FILED
 DOC #:
 DATE FILED: 02/15/2024

Re: CFTC v. Alexandre, et ano., No. 22 Civ. 3822 (VEC)

Dear Judge Caproni:

I write at the direction of Eddy Alexandre to respectfully request permission to withdraw as counsel, pursuant to Local Civil Rule 1.4, for the reasons stated in the separate letter that I am submitting to Your Honor's chambers on an *ex parte* basis for *in camera* review. Mr. Alexandre further requests that he be permitted to represent himself on a *pro se* basis, that the docket be updated to reflect the address below, and that the defendants be permitted an additional 10 days from the current deadline of February 16, 2024, to file a responsive pleading.

In communications regarding these applications, the CFTC sought to leverage its position on the requested adjournment in order to require me to include selective details regarding our private negotiation in this public filing. After I declined to do so, the CFTC did not notify me of its position regarding the adjournment.

Respectfully Submitted,

/s/ Emil Bove
 Emil Bove
 Blanche Law PLLC

Cc: Counsel of Record
 (Via ECF)

Eddy Alexandre/00712-510
 FCC Allenwood-Low
 P.O. Box 1000
 White Deer, PA 17887
 (Via Regular Mail)

Application GRANTED in part and DENIED in part. The deadline for the CFTC to file a consent order or for Defendant to file a responsive pleading is ADJOURNED *sine die*. The Clerk of Court is respectfully directed to lift the stay of this case.

Not later than February 20, 2024, Melissa Wernick must submit a letter stating whether she still represents Mr. Alexandre. If she does not, she must make a motion to be relieved by February 20, 2024.

The Clerk of Court is respectfully directed to terminate Mr. Bove's appearance on the docket and to mail a copy of this order to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887, and to note the mailing on the docket.

SO ORDERED.

02/15/2024

A handwritten signature in cursive script, appearing to read 'Valerie Caproni'.

HON. VALERIE CAPRONI
 UNITED STATES DISTRICT JUDGE

03/07/2024

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 02/20/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

EDDY ALEXANDRE and
EMINIFX, INC.,

Defendants.
-----X

Case No. 22-cv-3822

~~PROPOSED ORDER~~

THIS MATTER having been opened to the Court by motion of Chiesa Shahinian & Giantomasi PC ("CSG"), withdrawing counsel for Defendant Eddy Alexandre ("Alexandre"), for an Order pursuant to Local R. 1.4, granting leave for CSG and attorney Melissa Wernick, Esq. to withdraw as counsel; and the Court having considered the papers submitted in connection with this application, and argument of counsel, if any; and for good cause shown;

IT IS on this 20 day of February 2024

ORDERED AS FOLLOWS:

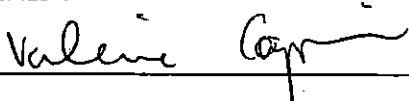
1. The law firm of Chiesa Shahinian & Giantomasi PC, including Melissa Wernick, Esq., is hereby granted leave to withdraw as counsel for Mr. Alexandre.

2. The law firm of Chiesa Shahinian & Giantomasi PC is hereby and hereafter deemed withdrawn as counsel for Mr. Alexandre in this action.

3. The Clerk of Court is respectfully directed to mail a copy of this order to Mr. Alexandre as follows and to note the mailing on the docket: Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887.

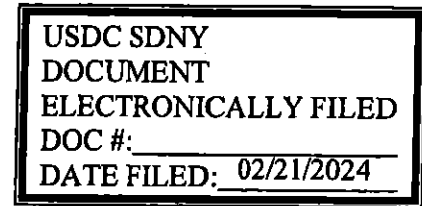
SO ORDERED:

The Clerk of Court is respectfully directed to terminate Ms. Wernick from the docket.



02/20/2024

03/07/2024



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

EDDY ALEXANDRE and EMINIFX, INC.,

Defendants.
-----X

22-CV-3822 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 14, 2024, Emil Bove, then-defense counsel for Defendant Eddy Alexandre represented that Mr. Alexandre wished to proceed *pro se*, no longer consented to the CFTC's proposed consent order, and requested to extend the February 16, 2024, deadline to file a responsive pleading by ten days, Dkt. 257;

WHEREAS on February 14, 2024, the Court adjourned *sine die* the Defendants' deadline to file a responsive pleading pending confirmation that Melissa Wernick no longer represented Mr. Alexandre, Dkt. 258; and

WHEREAS on February 20, 2024, Ms. Wernick moved to withdraw as counsel, and the Court granted this request, Dkt. 259-61.

IT IS HEREBY ORDERED that the Defendants' deadline to file a responsive pleading is **March 1, 2024**. The Clerk of Court is respectfully directed to mail a copy of this order to Eddy Alexandre, Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887, and to note the mailing on the docket.

03/07/2024

IT IS FURTHER ORDERED that, not later than **March 1, 2024**, the CFTC must file a letter stating whether EminiFX, Inc. remains a defendant in this case.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to enter Eddy Alexandre's appearance on behalf of himself, and to note in the *pro se* appearance his mailing address of Reg. No. 00712-510, FCC Allenwood-Low, P.O. Box 1000, White Deer, PA 17887.

SO ORDERED.

Date: February 21, 2024
New York, NY



VALERIE CAPRONI
United States District Judge

March 1, 2024

MEMO ENDORSEDRECEIVED
SDNY PRO SE OFFICE

Via Regular Mail
 Honorable Valerie E. Caproni
 United States District Judge
 Southern District of New York
 40 Foley Square
 New York, NY 10007

USDC SDNY
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 DOC #:
 DATE FILED: 03/14/2024

2024 MAR -8 AM 10:42

Re: CFTC v. Alexandre, et ano., No. 22 Civ 3822 (VEC)

Dear Judge Caproni:

As a follow up to the Court order of February 15, 2024, granting the permissive withdrawal of Mr. Bove as the lead attorney of my legal team according to local rule 1.4. I am reaching out to provide an update on the current state of affairs on the permissive withdrawal process and the ability to adequately represent myself in the proceedings emanating from the CFTC's Complaint as reflected in the caption above and the active case before you.

I am aware that Mr. Bove, the lead attorney-in-fact of the withdrawing legal team on record for my representation, communicated on an ex-parte basis, addressing a letter of explanation for his permissive withdrawal request, to your honorable chambers. However, the withdrawal process has been paused, to say the least. I am unaware of any attempt made on the record by and from Mr. Bove seeking an enlargement of time to effect the required transitional steps. Henceforth, although I only have access to a typewriter from the 1980s, I want to inform the Court that I am eager and willing to expeditiously take on that task as initially requested. Nevertheless, until such time where that situation is resolved, my hands are tied up.

Background

On February 14, 2024, Mr. Emil Bove, the lead attorney for the legal defense team, filed a permissive withdrawal request pursuant to local Civil Rule 1.4 for reasons stated in a separate letter submitted to the Judge's honorable chambers on an ex-parte basis for in camera review. I must further admit that I do not have information or knowledge of the content of that ex-parte letter. Therefore, through my submissions on the records, you will get a complete picture of why I am taking an active stand vigorously seeking fairness and justice against a wide range of abuse and prejudice caused to my name, character, reputation, assets, wealth and to the detriment of the members of EminiFX investment Club.

To satisfy the requirement for withdrawing attorneys transitioning from active representation, Mr. Bove promised to transfer among other documents a first batch containing three (3) sets of documents, inter alia, 1) A copy of the CFTC's Complaint, 2) A copy of the Preliminary Injunction, and 3) All communications with the interested parties relating to the settlement negotiations. Albeit not a complete package, this could have helped me craft the answer through my responsive pleading. That package never made it to its intended recipient, it was returned by the Department of Justice (DOJ)'s Bureau of Prison (BOP). See reference and confirmation by the exhibits and the USPS tracking number in my previous letter submitted to the record on February 28, 2024 requesting for an enlargement of time. This clearly illustrates the spiral of confusion and interferences impacting the delivery of the very documents that I need to mount a proper defense.

Transitional framework for withdrawing attorney

Generally speaking and according to best practices, the withdrawing attorney must send a "letter of disengagement" to the client. When withdrawal is allowed, the withdrawing attorney should send the client that letter which should include and state the following elements hereunder:

- 1-That the attorney-client relationship has ended
- 2-The reason for the attorney is withdrawing
- 3-A summary of the scope of representation that was attempted
- 4-A statement of the disposition of funds, if any, remaining in the client's account
- 5-A statement of the right of the client to his or her file and how to obtain it
- 6-A recommendation that alternative counsel be obtained as soon as possible.

These six (6) elements are critical items or steps that would allow the client to take over the case and expeditiously move forward without impacting the process, nor suffer prejudice from the lack of thereof. Heretofore, as of March 1, 2024, inter alia 15 days later, I am still not in possession of that letter of disengagement nor the elements therein.

I respectfully request that the Court takes this development under consideration in all further deliberations and issuance of order of approval or denial until a complete resolution of the aforementioned hindrance.

Respectfully submitted,

/s/ Pro se

Eddy Alexandre
Ex-CEO, founder of EminiFX, Inc.
Reg. No.: 00712-510
FCC Allenwood-Low
P.O.Box 1000
White Deer, PA 17887
LEGAL-MAIL
Open Only in The Presence of the Inmate

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing letter was served this 1st day of March 2024, by placing the same in the United States mail, first class postage prepaid thereon, addressed as follows:

- 1-Emil Bove, Esquire, 99 Wall Street, New York, NY 10005.
- 2-Douglas G. Snodgrass, Commodity Futures Trading Commission (CFTC) 77 W. Jackson Blvd. Chicago, IL 60604.
- 3-Notice to EminiFX, David Castleman, Court-Appointed Receiver, c/o Otterburg, P.C. 230 Park Avenue 30th Floor New York, NY 10169

/s/ Pro se

Eddy Alexandre
Ex-CEO, founder of EminiFX, Inc
Reg. No.: 00712-510

Not later than **March 20, 2024**, Mr. Bove is ordered to confirm that he provided a copy of the ex parte motion to withdraw to Mr. Alexandre and to state what steps he has taken to transfer his case file to Mr. Alexandre.

The Clerk of Court is ordered to mail a copy of this Order and a copy of the Preliminary Injunction at Dkt. 56, to Mr. Alexandre, who is proceeding *pro se*, and to note the mailing on the docket.

SO ORDERED.

Valerie Caproni 03/14/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

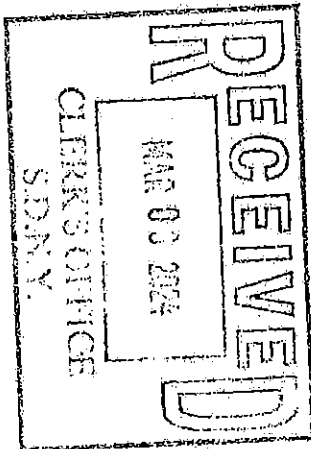
INMATE NAME/NUMBER Eddy Alexandre/00712-510
FEDERAL CORRECTIONAL COMPLEX-ALLENWOOD - LOW
P.O. BOX 1000
WHITE DEER, PA 17887

HARRISBURG PA 171
4 MAR 2024 PM 4 L



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SDNY PRO SE OFFICE

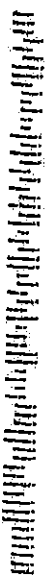
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The Clerk of Court
United States District Court
Southern District of New York (SDNY)
U.S. Courthouse - 500 Pearl Street
New York, NY 10007-1312

Pro Bono

10007-133059



MEMO ENDORSED



**Blanche
Law
PLLC**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 03/20/2024

EMIL BOVE
Emil.Bove@blanchelaw.com
(212) 716-1250

March 20, 2024

Via Email

Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: CFTC v. Alexandre, et ano., No. 22 Civ. 3822 (VEC)

Dear Judge Caproni:

I respectfully submit this letter in response to the Court's March 14, 2024 order seeking confirmation of the steps that I took to transfer my case file to Mr. Alexandre.

On February 15, 2024, I sent Mr. Alexandre an email with the text of the Court's February 15 memo endorsement at ECF No. 258.

On February 20, 2024, I caused a package of materials constituting my case file to be mailed to Mr. Alexandre via USPS. I sent the tracking number for the package to Mr. Alexandre via email. The package contained my February 14, 2024 submissions to the Court (including the *ex parte* submission), substantive emails relating to settlement negotiations with the CFTC (including the CFTC's proposed settlement documents), and substantive emails with the Receiver relating to Mr. Alexandre's consent to a settlement of claims with UAB Star Ventures, d/b/a CoinPayments. In an abundance of caution, I also included in the package copies of two public filings in the case: the CFTC's May 12, 2022 complaint, and the Court's June 15, 2022 preliminary injunction.

On March 4, 2024, I received an email from the CorrLinks system indicating that Mr. Alexandre had "chosen to remove [my] email address from his/her approved contact list and, therefore, can not receive or send messages to your email address." I have not been able to communicate with Mr. Alexandre since that time.

On March 7, 2024, the Receiver sent me via email a copy of Mr. Alexandre's March 1, 2024 letter to the Court. The letter indicated that Mr. Alexandre sent me a copy, but I did not receive that document directly from Mr. Alexandre. Upon receiving Mr. Alexandre's letter from the Receiver, I checked the tracking information for the package that we had mailed to him on February 20, and I learned at that time that the BOP facility had "refused" the package. A member of my staff contacted the facility and was informed that the package was too large.

March 20, 2024
Page 2

On March 9, 2024, I caused nine individual packages of materials to be mailed via USPS to Mr. Alexandre. Collectively, the nine packages contained the same documents that were included in the February 20 mailing. The tracking information for those packages indicates that the packages were delivered on March 11.

Respectfully Submitted,

/s/ Emil Bove

Emil Bove
Blanche Law PLLC

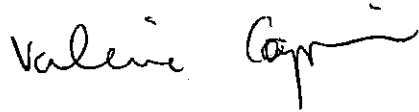
Cc: Doug Snodgrass
(Via Email)

David Castleman
(Via Email)

Eddy Alexandre/00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887
(Via Regular Mail)

The Court finds that Mr. Bove has adequately satisfied his responsibilities to transfer his case files in this matter. The Clerk of Court is respectfully directed to mail a copy of this endorsed order to Mr. Alexandre and to note the mailing on the docket.

SO ORDERED.



03/20/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Exhibit 4

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Emil Rove, Esq. Blanche Law
99 Wall Street
New York, NY 10005



9590 9402 7295 2028 0086 03

2. Article Number (Transfer from service label)

7020 1810 0001 4639 0736

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent

B. Received by (Printed Name)

Emil Rove

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
| <input type="checkbox"/> Insured Mail | |
| <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) | |

Domestic Return Receipt

9521 5E9H 1000 019T 020L

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only
For delivery information, visit our website at www.usps.com®.**OFFICIAL USE**

Certified Mail Fee	\$ 4.40
Extra Services & Fees (check box, add fees as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.55
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$ 0.68
Total Postage and Fees	\$ 8.63
Sent To	Emil Bore-Blanche Law
Street and Apt. No., or PO Box No.	99 Wall Street New York, NY 10005
City, State, ZIP+4®	

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

4880 5E9H 1000 019T 020L

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only
For delivery information, visit our website at www.usps.com®.**OFFICIAL USE**

Certified Mail Fee	\$ 4.40
Extra Services & Fees (check box, add fees as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.55
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.66
Total Postage and Fees	\$ 8.61
Sent To	Melissa F. Wernick
Street and Apt. No., or PO Box No.	11 Times Square, 34th Floor
City, State, ZIP+4®	New York, NY 10036

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

PS Form 3811, July 2020 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION	
1. Article Addressed to: Melissa F. Wernick Chiese Shahinian & Gianfrancesi PC 11 Times Square, 34th Floor New York, NY 10036	
2. Article Number (Transfer from service label) 7020 1810 0001 4639 0743	
3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

COMPLETE THIS SECTION ON DELIVERY**COMPLETE THIS SECTION ON DELIVERY**

PS Form 3811, July 2020 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION	
1. Article Addressed to: Ms Melissa Wernick Esq. 11 Times Square 34th Floor New York NY 10036	
2. Article Number (Transfer from service label) 7020 1810 0001 4639 0743	
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COMPLETE THIS SECTION ON DELIVERY**COMPLETE THIS SECTION ON DELIVERY**

Domestic Return Receipt

Domestic Return Receipt

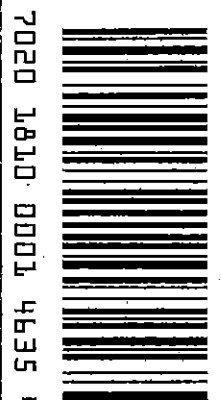
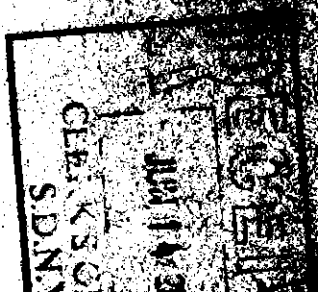
Eddy Alexandre
Reg. No.: 00712-510
FCC Allenwood-Low
P.O. Box 1000
White Deer, PA 17887
Retail-Mail (open only in the presence of the
insite)

RECEIVED
SDNY PRO SE OFFICE
2024 JUN 18 AM 11:08

The Clerk of Court
United States District Court
Southern District of New York (SDNY)
U.S. Courthouse - 500 Pearl Street
New York, NY 10007-1312



**U.S. MAIL
SDNY**



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